

JAMES M. BURNHAM
Deputy Assistant Attorney General
ALEXANDER K. HAAS
Director, Federal Programs Branch
ANTHONY J. COPPOLINO
Deputy Director, Federal Programs Branch
ANDREW I. WARDEN (IN #23840-49)
Senior Trial Counsel
KATHRYN C. DAVIS
MICHAEL J. GERARDI
LESLIE COOPER VIGEN
RACHAEL WESTMORELAND
Trial Attorneys
U.S. Department of Justice
Civil Division, Federal Programs Branch
1100 L Street, NW
Washington, D.C. 20530
Tel.: (202) 616-5084
Fax: (202) 616-8470
Attorneys for Defendants

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION**

STATE OF CALIFORNIA, *et al.*,

Plaintiffs,

v.

DONALD J. TRUMP, *et al.*,

Defendants.

SIERRA CLUB, *et al.*,

Plaintiffs,

v.

DONALD J. TRUMP, *et al.*,

Defendants.

No. 4:19-cv-00872-HSG

No. 4:19-cv-00892-HSG

**SUPPLEMENT TO NOTICE OF
DECISION BY THE
DEPARTMENT OF DEFENSE TO
AUTHORIZE BORDER BARRIER
PROJECTS PURSUANT TO 10
U.S.C. § 2808**

On September 3, 2019, Defendants notified the Court and parties that the Secretary of Defense had authorized eleven border barrier projects in California, Arizona, New Mexico, and Texas pursuant to 10 U.S.C. § 2808. *See* ECF No. 206 in 4:19-CV-00872; ECF No. 201 in 4:19-CV-00892. To fund the projects, the Secretary of Defense authorized the Department of the Army to expend up to \$3.6 billion in unobligated military construction funds. *See id.* The Secretary of Defense directed that, initially, only funds associated with deferred military construction projects located outside of the United States will be provided to the Department of the Army. *See id.* Deferred military construction projects outside of the United States account for \$1.8 billion of the required funds. *See id.* The remaining \$1.8 billion associated with deferred military construction projects located in the United States (including U.S. territories) will be made available to the Secretary of the Army when it is needed for obligation. *See id.* As a supplement to Defendants' notice, the list of unobligated military construction projects currently identified for deferral is attached as Exhibit 1.

DATE: September 5, 2019

Respectfully submitted,

JAMES M. BURNHAM
Deputy Assistant Attorney General

ALEXANDER K. HAAS
Director, Federal Programs Branch

ANTHONY J. COPPOLINO
Deputy Director, Federal Programs Branch

/s/ Andrew I. Warden
ANDREW I. WARDEN (IN #23840-49)
Senior Trial Counsel
U.S. Department of Justice
Civil Division, Federal Programs Branch
1100 L Street, NW
Washington, D.C. 20530
Tel.: (202) 616-5084
Fax: (202) 616-8470

Attorneys for Defendants